

DIVISION 3. STREET SALES IN COMMERCIAL AREAS

Sec. 49-578. Purpose.

In order to provide for continuing business revitalization throughout the city, the city council finds and determines that a sidewalk sales program will permit enhanced use of the public space available, will provide a complement to the businesses operating from fixed premises, and will promote economic activity.

(Ord. No. 292-88, § 1, 5-16-88)

Sec. 49-578.1. Eligibility.

The manager of public works may issue to any person owning or occupying the abutting private property a permit to occupy the public right-of-way outside of the roadway for the purpose of displaying goods for sale, when, in the manager's judgment, such activity would be in the public interest; provided, however, that once a permit has been issued and remains in effect for a sidewalk sale at a given location, no other person may be issued such a permit for the same location.

(Ord. No. 292-88, § 1, 5-16-88)

Sec. 49-578.2. Application for permit.

An application for a permit under this division shall include, but not be limited to, the following information:

- (1) Name and address of the applicant;
- (2) A general description of the goods to be offered for sale under such permit;
- (3) The period of time the activities are to be conducted under the permit, subject to the approval of the manager of public works;
- (4) The location and a diagram of the proposed location for the street sale;
- (5) Such other information as the manager of public works may require.

(Ord. No. 292-88, § 1, 5-16-88)

Sec. 49-578.3. Requirements for issuance.

A permit issued under this division shall be subject to the following requirements:

- (1) The permit shall be valid for a period of not more than twelve (12) months from and after the date of issuance and may be revoked without cause. The expiration date for each permit shall be shown on the permit, and each permit shall expire at midnight on the expiration date. Any permit holder may apply for a renewal permit for the same location in the same manner as an original application.
- (2) The annual fee for a permit issued under this division shall be twenty-five dollars (\$25.00).
- (3) Each permit shall be valid for not more than one (1) location.
- (4) In addition to the permittee's name and such other information as may be required by the manager of public works, the permit shall contain the following:
 - a. The period of time for which the permit was issued;
 - b. A statement that the permit issued is personal only and is not transferable in any manner;
 - c. The designated location;
 - d. A statement that the permit is valid only when used at the location designated on the permit;
 - e. A statement that the permit is subject to the provisions of this article.
- (5) Before a permit may be issued under this division within any existing maintenance district, special improvement district or business improvement district, the applicant must obtain written approval from the board of such district, if there is a board, or its designated representative. Evidence of such approval shall accompany the application for a permit.
- (6) Before a permit may be issued under this division within twenty-five (25) feet from the extended flow line of any intersection, approval from the transportation division shall be obtained.

(Ord. No. 292-88, § 1, 5-16-88)

Sec. 49-578.4. Restrictions.

A person to whom a permit has been issued under this division, and whose permit is valid, may display goods for sale at an approved location; provided:

- (1) That sidewalk sales be limited to retail merchandise ordinarily sold by the permittee, excluding motorized vehicles;
- (2) That the permittee shall not conduct the business for which his/her permit was issued hereunder between the hours of 12:00 midnight and 6:00 a.m.; or such other restrictions which the manager in his discretion may reasonably impose;
- (3) That the number of sidewalk sales issued under a single permit shall not exceed four (4) per year nor more than twenty (20) days per year;

- (4) That the permittee shall not conduct business at the location designated on his/her permit when such location is within an area for which the manager of public works has issued a permit for a street fair, festival or similar event under division 2 of this article, unless the holder of the latter permit furnishes permission in writing;
 - (5) That during the specific dates and hours of operation, the permit issued hereunder is required to be posted on the premises in such a manner that is clearly visible from the street;
 - (6) That the permittee shall comply with such other conditions that the manager in his discretion may reasonably impose;
 - (7) That the permittee shall comply with all applicable provisions of the fire code, building code and this Code.
- (Ord. No. 292-88, § 1, 5-16-88)

Sec. 49-578.5. Physical requirements.

Placing miscellaneous street furniture may be permitted where the following conditions are met:

- (1) That the permittee shall not use any device, chair, stand, box, storage rack, container, table, or temporary display banner, cloth decoration or sign that does not comply with the requirements of this division; and shall not place any such thing on any sidewalk, roadway, street or alley, except as provided hereunder;
 - (2) That any device, chair, stand, box, storage rack, container or table shall not exceed six (6) feet in height, excluding a canopy, umbrella or transparent enclosure;
 - (3) That the permittee shall pick up any paper, cardboard, cans, wood, plastic or glass containers, wrappers or any similar litter which is deposited on the permit; and the permittee shall carry a suitable container for the placement of such litter by customers or other persons;
 - (4) That the permittee shall locate any device, chair, stand, box, storage rack, container or table so that the remaining unobstructed width of a public sidewalk in the central business district, as the same is defined in article XII of chapter 54, is not less than ten (10) feet; or so that the remaining width of public sidewalk elsewhere in the city is not less than five (5) feet;
 - (5) That the permittee shall not sell from any device, chair, stand, box, storage rack, container or table that is located in any portion of a street, alley, highway or roadway that is designed or ordinarily used for vehicular travel;
 - (6) That the permittee shall not sell from any device, chair, stand, box, storage rack, container or table at a location other than that designated on the permit;
 - (7) That the permittee shall not leave his/her device, chair, stand, box, storage rack, container or table unattended on a public right-of-way or at the location designated on his/her permit;
 - (8) That the permittee shall not locate any device, chair, stand, box, storage rack, container or table on a public sidewalk within the boundaries of a cross-walk; that the permittee shall not sell to any person who is standing in a street, highway, or alley;
 - (9) That the permittee shall maintain all devices, chairs, stands, boxes, storage racks, containers or tables in a safe and clean condition at all times. The vending device may not interfere with the safe and efficient passage of pedestrians, and specifically may not impede pedestrian access to or use of traffic control devices or other street furniture;
 - (10) That any temporary display banner, cloth decoration or sign used in connection with the permit issued hereunder shall be maintained in a safe condition and shall comply with all of the requirements of this chapter; provided, however, that a sign removal bond shall not be required.
- (Ord. No. 292-88, § 1, 5-16-88)

Cross references: Signs, § 49-436 et seq.; miscellaneous street furniture, § 49-531 et seq.

Sec. 49-579. Exemption from peddler's license.

A permittee under this division shall not be required to obtain a peddler's license and shall not be subject to the provisions of article II of chapter 47 relating to peddler's licenses.

(Ord. No. 292-88, § 1, 5-16-88)

Secs. 49-580--49-585. Reserved.